



Attorney Docket No. 59305-8072.US01

2814

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: January 21, 2004


Valerie Peterson

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: KALNITSKY ET AL.

APPLICATION No.: 09/882,538

FILED: JUNE 15, 2001

FOR: **METHOD FOR FORMING A SUPER SELF-ALIGHTED HETERO-JUNCTION BIPOLAR TRANSISTOR**

EXAMINER: DANA FARAHANI

ART UNIT: 2814

CONF. NO: 8283

RECEIVED
TECHNOLOGY CENTER 2800
FEB -2 2004

Petition to Withdraw Holding of Abandonment
Under 37 C.F.R. § 1.181(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

1. The Applicants hereby petition for withdrawal of the Notice of Abandonment for the above-identified application, which was mailed by the U.S. Patent and Trademark Office on December 26, 2003, for failure to file a response to the Office Action mailed January 24, 2003.

2. Apparently Applicants' response was never received by the Examiner at the U.S. Patent and Trademark Office. Enclosed herewith is a complete copy of the response to the Office Action which was mailed to the U.S. Patent and Trademark Office on April 24, 2003 and entitled: "Amendment and Response to Office Action", and a copy of the postcard receipt is attached showing the PTO's date stamp of April 30, 2003.

3. No Fee Due, as Applicants did timely respond to the Office Action dated January 24, 2003, by filing their "Amendment and Response to Office Action," on April 24, 2003, a copy is attached hereto.
 Enclosed is a check covering the fee of \$665.00/\$1330.00 under 37 C.F.R. § 1.17(m).

4. The Applicants did not delay and timely filed a response to the Office Action dated January 24, 2003.

5. Duration of Abandonment (1203 OG 86-87, Oct. 21, 1997)

- This petition is being filed within 3 months of the date on which the applicant was first notified of the abandonment by a Notice of Abandonment mailed December 26, 2003. Under current USPTO practice, further information regarding the abandonment is not required.

6. Terminal Disclaimer under 37 C.F.R. § 1.137(b)(4) and (c)

- Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.

7. Additional Fees

- The Commissioner is authorized to charge any underpayment or overpayment in fees for timely consideration of this Petition to Deposit Account No. 50-2207 if deemed necessary for this paper.

Applicants respectfully request that the Examiner consider this Petition and withdraw the Notice of Abandonment for the above-entitled application. If a telephone interview is necessary, please contact the undersigned at (650) 838-4347.

Respectfully submitted,
Perkins Coie LLP

Date: January 21, 2004

Jonathan P. Kudla
Jonathan P. Kudla
Registration No. 47,724

Correspondence Address:

Customer No. 22918
Perkins Coie LLP
P.O. Box 2168
Menlo Park, California 94026
(650) 838-4300